THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.9204 of 2006

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DATED:28-04-2006

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BETWEEN

Sri Sai Seva Saminithi, Swarna Bharati Nagar, Guntur and others.

...PETITIONER

AND

The Municipal Corporation, Guntur, rep. By its Commissioner, Guntur , and others.

...RESPONDENTS

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.9204 of 2006

ORDER:

Petitioners seek a Writ of Mandamus to declare the action of respondents in trying to interfere with and demolish Sri Shiridi Sai Temple at Swarna Bharati

Nagar, JKC College Road, Guntur, as illegal and arbitrary and violative of Articles 14, 25 and 26 of the Constitution of India.

The case of the petitioners is that they have formed into an association of persons in Swarna Bharathi Nagar, JKC College Road, Guntur, and constructed Sri Shiridi Sai Temple in an area of 125 ft X 80 ft, without causing any obstruction or inconvenience to the public and that the first petitioner is the Society, formed for development of the said temple. It is stated that after construction of the said temple, the respondents are trying to interfere with and demolish the said temple for the purpose of allotting the land occupied by the said temple to other persons. Therefore, they filed a representation dated 19-04-2006 before the respondents, but the same has not been considered and disposed of. Hence, the writ petition.

Having regard to the facts and circumstances of the case,
I am of the opinion that either any private individual or any registered society cannot encroach upon the Government land or construct a temple, church, mosque, etc. However, in respect of any encroachments or illegal constructions made, it is for the authorities concerned to issue a notice and take appropriate action in accordance with law.

Accordingly, the writ petition is disposed of with a direction to the respondents to issue an appropriate notice to the petitioners and if no suitable explanation is submitted by the petitioners, it is open for the respondents to take appropriate action in accordance with law. No order as to costs.

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V. ESWARAIAH, J

Dated: 28-04-2006

sj